

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JATANYEN WALL,

Defendant.

CASE NO. 1:04 CR 601

MEMORANDUM AND ORDER
GRANTING DEFENDANT'S MOTION
FOR RECONSIDERATION

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Before the Court is defendant Jatanyen Wall's Motion to Reconsider this Court's Order denying Motion for Concurrent Time or Jail Time Credit. (Doc. 41).

On 18 July 2011, Jose A. Santana from the Federal Bureau of Prisons informed this Court that Mr. Wall had requested the Bureau of Prisons designate the state institution for service of his federal sentence. This retroactive designation would reduce the total amount of time Mr. Wall would spend in custody and result in a release date of on or about 7 April 2015. Should the Federal Bureau of Prisons deny this request, Mr. Wall would be released on or about 27 March 2021. The Bureau of Prisons further stated in its letter:

It is the Bureau's preference that the federal sentencing court be given an opportunity to state its position with respect to a retroactive designation, which, while not binding, can be helpful in our determination to grant or deny the request.

Upon review of the record, it is this Court's position that Mr. Wall's state institution be retroactively designated for service of his federal sentence resulting in a release date of on or about 7 April 2015. Although entirely within the discretion of the Bureau of Prisons, this Court believes this to be appropriate and just. Ms. Kelly Galvin, the Assistant U.S. Attorney who tendered Mr. Wall's plea, and her office do not object to such a designation. (Doc. 41). Further, before Mr. Wall's sentencing on 17 November 2005, the U.S. Attorneys office stated to this Court in writing:

The government agrees to recommend to the court that the defendant's sentence in Cuyahoga County Common Pleas Court, case number 462245, run concurrently with any sentence given in the present case.

Finally, in sentencing Mr. Wall, Cuyahoga County Common Pleas Judge Matia ran the defendant's state sentence concurrent with his federal sentence. (Doc. 41).

For all the foregoing reasons, this Court grants the defendant's Motion to Reconsider. It is this Court's position that Mr. Wall's state institution be retroactively designated for service of his federal sentence resulting in a release date of on or about 7 April 2015.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE